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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,594	12/22/2000	Anthony M. Gambaro	659/620	4494

757                      7590                      01/17/2003

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60611

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/747,594

Applicant(s)

GAMBARO ET AL.

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 18-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 31-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9-10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to applicant's request for reconsideration received on 11/01/02.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17, 31-38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perini (4,329,895) in view of McCown et al.

Perini discloses the method of cutting a plurality of moist substrates comprising the step of: placing the log into a pocket on a cutting support (Fig. 2); advancing the pocket containing the log toward a plurality of cutting blades (Fig. 1 and 3); advancing the pocket containing the rolls away from the cutting blades (Fig. 3); metering the rate at the log is discharged; discharging the rolls from the pocket; and honing the cutting blades while in the away position (col. 3, line 33-36). Perini doesn't show the method of placing a log of moist substrate on a conveyor with moisture content of at least about 50% or 65%, advancing the conveyor and discharging the log from the conveyor onto a transfer plate. However, McCown teaches the method of placing a log of on a conveyor (Fig. 2), advancing the conveyor and discharging the log from the conveyor onto a transfer plate (Fig. 2) for the purpose of storing in the computer memory the length and

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diameter information of the long. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Perini's device by providing the method of placing a log on a conveyor, advancing the conveyor and discharging the log from the conveyor onto a transfer plate as taught by McCown in order to maximize the profit.

Regarding the web with moisture content of at least about 50% or 65%, the examiner takes Official Notice that the use of a web with moisture content of at least about 50% or 65% is old and well known in the art for the purpose of increasing the softness and flexibility of the web. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Perini's device by providing the web with moisture content of at least about 50% or 65% in order to increase softness and flexibility of the web.

Regarding claims 2-3, 5, 11-12, 15-16, 32-33, 36 and 37, the modified invention of Perini discloses the invention substantially as claimed except for a log at least 2540 mm long and a diameter from 50 mm to 250 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Perini's device, since it at most relates to the size of the article under consideration, which is not ordinarily a matter of invention. In re Yount, 36 C.C.P.A.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-17 and 31-39 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Olsson and Streblow are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is (703) 308-0167. The examiner can normally be reached on M-F (8:00-5:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703) 308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ofs  
January 9, 2003



KENNETH E. PETERSON  
PRIMARY EXAMINER